

## **REMARKS**

Claims 15-26 were presented and examined. In response to the Office Action, Claims 15, 18, 19, 22, 23, and 26 are amended, no claims are cancelled, and no claims are added. Applicant requests reconsideration of the application in view of the following remarks.

### **Objection to the Specification**

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter, specifically for the term “a computer readable storage medium” in Claims 23-26. In response, the specification is amended to indicate “computer-readable storage media.” (See page 7, line 2.) Reconsideration of the rejection is requested in view of this amendment.

### **I. Claim Rejections Under 35 U.S.C. §102**

Claims 15-22 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Publication 2003/0001815 to Cui (“Cui”). Applicants respectfully traverse this rejection.

Claim 15 recites:

15. A visual data adaptation method comprising:  
adapting visual data in response to received display capability information of a display device in a separate user terminal and a usage environment of the separate user terminal; and  
outputting the adapted visual data to the separate user terminal, wherein the display capability information is hierarchically structured to include backlight luminance information as a sub-element of the display capability information, and the backlight luminance information is described as a numerical value ranging from a lowest possible value to a highest possible value that is adjusted according to the usage environment of the separate user terminal. (Emphasis added.)

Claim 15 is amended to recite adapting visual data in response to received display capability information of a display device in a separate user terminal and according to a usage environment of the separate user terminal. Claim 15 is further amended to recite that the backlight luminance information is adjusted according to the usage environment of the separate user terminal.

In contrast with Claim 15, paragraph [0021] of Cui discloses adjusting backlight brightness to satisfy computer system power consumption. That is, Cui adjusts backlight brightness based on the state of a computer. Cui, however, relates to adjusting backlight brightness in single device by the same device. Cui does not disclose or suggest outputting the adapted visual data to the separate user terminal, wherein the display capability information is hierarchically structured, much less backlight luminance to be adjusted according to the usage environment of the separate user terminal, as in Claim 15.

In contrast with Cui, the visual data adaptation method of Claim 15 recites display capability information that is structured in a specific way. In contrast with Claim 15, Cui does not disclose *structured display capability information that includes backlight luminance information as a sub-element of the display capability information, and the backlight luminance information is described as a numerical value ranging from a lowest possible value to a highest possible value that is adjusted according to the usage environment of the separate user terminal.*

Due to the hierarchical structure recited by Claim 15, the display capability information can be generalized and structured for application to various systems, and is easily extended to include other characteristic information necessary for the visual data adaptation. Clearly, these advantages are not expected from the cited reference to Cui or the references of record.

Therefore, Cui cannot disclose, teach or suggest display capability information is hierarchically structured to include backlight luminance information as a sub-element of the display capability information, and the backlight luminance information is described as a numerical value ranging from a lowest possible value to a highest possible value that is adjusted according to the usage environment of the separate user terminal, as in Claim 15.

For each of the above reasons, therefore, Claim 15 and all claims which depend from Claim 15 are patentable over Cui. Each of Applicant's other independent claims include limitations similar to those discussed above. Therefore, all of Applicant's other independent claims, and all claims which depend on them, are patentable over the cited art for similar reasons. Reconsideration and withdrawal of the 35 U.S.C. §102(e) rejection of Claims 15-22 is respectfully requested.

## II. Claim Rejections Under 35 U.S.C. §103

Claims 23-26 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Cui in view of U.S. Patent 6,593,943 to MacPhail (“MacPhail”). Applicants respectfully traverse this rejection.

Claim 23 recites:

23. (Currently Amended) A computer readable storage medium in which metadata is recorded, the metadata comprising:  
display capability information of a display device in a user terminal, wherein visual data is adapted by a video adaptation apparatus that is separate from the user terminal according to the display capability information and a usage environment of the separate user terminal, and the display capability information is hierarchically structured to include backlight luminance information as a sub-element of the display capability information, and the backlight luminance information is described as a numerical value ranging from the lowest possible value to the highest possible value that is adjusted according to the usage environment of the separate user terminal. (Emphasis added)

While Applicant’s argument here is directed to the cited combination of references, it is necessary to first consider their individual teachings, in order to ascertain what combination (if any) could be made from them.

MacPhail, similar to Cui, does not disclose *display capability information* that is *structured to include backlight luminance information as a sub-element of the display capability information, and the backlight luminance information is described as a numerical value ranging from a lowest possible value to a highest possible value that is adjusted according to the usage environment of the separate user terminal*, as in Claim 23.

For each of the above reasons, therefore, Claim 23 and all claims which depend from Claim 23 are patentable over the cited art. Reconsideration and withdrawal of the 35 U.S.C. 103(a) rejection of Claims 23-26 is respectfully requested.

### DEPENDENT CLAIMS

In view of the above remarks, a specific discussion of the dependent claims is considered to be unnecessary. Therefore, Applicant's silence regarding any dependent claim is not to be interpreted as agreement with, or acquiescence to, the rejection of such claim or as waiving any argument regarding that claim.

### CONCLUSION

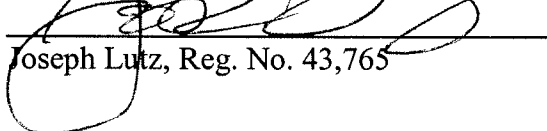
In view of the foregoing, it is believed that all pending claims patentably define the subject invention over the prior art of record and are in condition for allowance and such action is earnestly solicited at the earliest possible date.

If necessary, the Commissioner is hereby authorized in this, concurrent and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2666 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17, particularly extension of time fees. If a telephone interview would expedite the prosecution of this Application, the Examiner is invited to contact the undersigned at (310) 207-3800.

Respectfully submitted,

**BLAKELY, SOKOLOFF, TAYLOR, & ZAFMAN LLP**

Dated: March 20, 2009

By:   
Joseph Lutz, Reg. No. 43,765

1279 Oakmead Parkway  
Sunnyvale, California 94085-4040  
Telephone (310) 207-3800  
Facsimile (408) 720-8383

#### CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being submitted electronically via EFS Web on the date shown below to the United States Patent and Trademark Office.

  
Alexandra Y. Caluen March 20, 2009